

October 14, 2003

Dear Workers' Compensation Professional:

For the past several months, the Commission has reviewed the written and verbal comments submitted on the proposed revisions to the Judicial Rules of Procedure. The legislative format should reflect changes since the draft from October 2002.

We are accepting additional suggestions until the close of business on Monday, October 27. Please send any further comments by that date.

Thank you to those who helped with this project. We were very pleased with everyone's analysis and effort to improve the working rules of the Commission.

A final draft will be presented at the Commission's Workers' Compensation Seminar on November 6.

Sincerely,

James F. Kile  
Commissioner

**JUDICIAL RULES OF PRACTICE AND PROCEDURE**  
**Under the Idaho Workers' Compensation Law**



Revised (date) ~~June 1, 1999~~

**Draft Revision #8 (October 14, 2003)**  
**IDAHO INDUSTRIAL COMMISSION**

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~~JUDICIAL RULES OF  
PRACTICE AND PROCEDURE  
UNDER THE IDAHO WORKERS' COMPENSATION LAW~~

INTRODUCTION

By virtue of the authority vested in the Industrial Commission pursuant to ~~Sections~~ Idaho Code §§ 72-508 and 72-707, ~~Idaho Code~~, the Industrial Commission of the State of Idaho ~~does~~ hereby adopt~~s~~ the following rules of procedure governing judicial matters under its jurisdiction as provided by the Idaho Workers' Compensation Law. These rules shall amend, ~~repeal,~~ and supplement those rules previously adopted by the Commission.

COMMENT:

## RULE 1 ~~1~~.

### TITLE, AND SCOPE OF COVERAGE, AND DEFINITIONS

~~(A.)~~ **Title and Scope** - These rules ~~may~~ shall be known and cited as the Judicial Rules of Practice and Procedure Under the Idaho Workers' Compensation Law, or abbreviated J.R.P., and shall apply in all disputed cases coming under the Commission's jurisdiction. Any party to a controversy may apply to the Commission for relief, and the Commission shall make such order, ruling or award as it determines is reasonable and just. However, where the Commission in an administrative rule or regulation, adopts a procedure for adjudication of a specific type of dispute, these rules shall apply only to the extent expressly incorporated therein. Pursuant to ~~Section~~ Idaho Code § 72-708, Idaho Code, the Commission will construe these rules liberally to secure the just, speedy and economical determination of all issues.

#### ~~(B.)~~ **Definitions** -

1. "Filing" is defined as the actual receipt of a document at the Commission's office at 317 Main Street in Boise, Idaho, before the close of business at 5:00 pm Mountain Time, as shown by the Commission's date stamp, at the Commission, except as otherwise provided by these rules.

23. "Service" or "serve" is defined as the delivery of a copy to the other party or parties. by actual physical delivery, facsimile transmission (fax), or mail. Service by mail is completed on mailing, unless otherwise specified in these rules. See Rule 4.

3. "Pro se" shall refer to a person acting as his/her own legal counsel in matters before the Commission.

4. "Commission" as shall referenced in these rules the Idaho Industrial Commission and shall include the three (3) Commissioners, any member or members thereof, any Referee, Mediator, or any other person to whom the Commissioners have delegated all or any part of their authority.

5. "Default" is defined as the failure of a party to contest a claim for benefits respond when required within a specified time period. See Rule 6.

6. ~~2.~~ A "Prima facie" case is defined as that evidence submitted which sufficiently proves every

~~element required for is sufficient to prove eligibility for of benefits. A claimant's burden of establishing a prima facie case by probable, not merely possible, evidence should not be disregarded simply because the uninsured employer was defaulted by order of the Commission. See Rule 6.~~

**COMMENTS:**

## RULE 2 II.

### REPRESENTATION

~~(A.)~~ **Natural Persons** - In all matters, any person party who is a natural person may act pro se ~~appear in person or be represented~~ by an attorney who is licensed to practice law in the State of Idaho, or who is associated with an attorney licensed to practice law in the State of Idaho.

~~(B.)~~ **Parties Other Than Natural Persons** - Except as otherwise set forth in these rules, all parties other than natural persons must be represented by ~~In all matters conducted on the record, any party who is not a natural person must appear through an attorney who is licensed to practice law in the State of Idaho or who is associated with an attorney licensed to practice law in the State of Idaho. This requirement includes, but is not limited to, the filing of any document in any matter in for which a complaint has been filed and participating in any proceeding recorded by a court reporter before the Industrial Commission. Conducting matters "on the record" includes preparing and filing with the Commission any document the filing party intends be part of the official record in the case or participating in any proceeding recorded by a court reporter.~~

~~(C)~~ **Negotiations and Mediation Proceedings** — In matters including, but not limited to, negotiations and mediation proceedings where no record is made, any party may be assisted by any person the party chooses.

### COMMENTS:

## **RULE 3 III.**

### **PLEADINGS**

#### **~~(A.)~~ Pleadings Generally: Complaint and Answer -**

1. For purposes of these rules, an "application for hearing" as referenced in ~~Section Idaho Code § 72-706, Idaho Code,~~ shall be called a complaint. ~~In disputes or controversies in matters coming under the Commission's jurisdiction~~ The complaint shall be in the form prescribed by the Commission, a sample of which is attached hereto as and marked Appendix 1 I. A complaint or answer delivered by fax to the Commission before midnight Mountain Time shall be considered filed on that date.

2. The answer ~~to be filed in response~~ to such complaint shall be in the form prescribed by the Commission, a sample of which is attached ~~appended~~ hereto and designated as Appendix 3 III. A complaint or answer delivered by fax to the Commission before midnight Mountain Time shall be considered filed on that date.

**~~(B.)~~ Separate Complaints: Consolidation** - A separate complaint shall be filed for each alleged accident injury or occupational disease for which workers' compensation benefits are claimed. Separate pleadings shall be filed in each ~~matter~~ case in which a complaint has been filed; provided, however, that a single pleading may be filed in two or more cases which have been consolidated. No cases shall be consolidated except by order of the Commission, and the Commission will not consider ~~a Motion to Consolidate~~ consolidation of cases unless a separate complaint has been filed in each and every case sought to be consolidated.

**~~(C.)~~ Industrial Special Indemnity Fund** - ~~All~~ Any claims against the Industrial Special Indemnity Fund (ISIF) shall be made by filing a separate complaint and shall be in the form prescribed by the Commission, a sample of which is attached ~~appended~~ hereto and ~~designated~~ as Appendix 2 II. All complaints against the ISIF shall be filed with the Commission and a copy shall be served on all other parties.

**~~(D.)~~ Certifying Pleadings, Motions or Other Papers** - Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one licensed attorney of record of the State of Idaho, in the attorney's individual name. A party who is not represented by an attorney shall sign the pleading, motion, or other paper. The signature of any party to an action, or the party's attorney, shall constitute a

certification ~~certificate~~ that said party, or the party's attorney, has read the pleading, motion, or other paper; that to the best of his or her knowledge, information and belief after reasonable inquiry there are sufficient ~~good~~ grounds to support it; and that it is not submitted ~~interposed~~ for delay or any other improper purpose.

**(E.) Motions Generally -**

1.(1) An application to the Commission for an order shall be made by filing a motion which, unless made during a hearing, shall be made in writing, ~~shall~~ state ~~with particularity~~ the legal and factual basis ~~in law~~ and ~~the grounds therefor~~ for the motion, and shall set forth the relief or order sought.

2.(2) If within ~~10~~ 14 days of the filing of a motion, no brief, affidavit, or other response is filed, the Commission may act on the motion. The Commission may act ~~upon~~ the motion sooner after giving actual notice, or attempting to give actual notice by telephone or by facsimile transmission, to all parties. If the motion is opposed by any party, the Commission may base its ruling on written argument or may conduct such conference or hearing as may be necessary, in the Commission's judgment, to rule ~~upon~~ the motion.

3.(3) All motions and other pleadings must be served on any other party.

**(F.) Motions to Reconsider -** A motion to reconsider ~~made~~ pursuant to ~~Section Idaho Code § 72-718, Idaho Code,~~ must be ~~made~~ filed within 20 days from the date the final decision is filed and must be supported by a brief filed with the motion simultaneously therewith. All responses to a motion to reconsider must be filed within 14 days of the date of filing of the motion. ~~No reply briefs will be accepted. Any reply brief must be filed within 10 days of the date of filing the response.~~

**(G.) Form and Size Requirements for Filed Documents -** All pleadings, letters, petitions, briefs, notices and other documents filed with the Commission shall be on 8 1/2" x 11" paper.

**COMMENTS:**



Comments Re: Commission Form Changes

Comments Re: Complaint

Comments Re: ISIF Complaint

Comments Re: Answer

#### **RULE 4 IV.**

#### **FILING AND SERVICE**

~~(A.)~~ **Service Generally** - Documents required by these rules to be filed or served ~~may be~~ shall be filed or served by means of regular United States mail, overnight mail service, parcel service, personal service of process, or facsimile transmission (fax). ~~Service by mail is completed on mailing, unless otherwise specified in these rules.~~ For any document transmitted by ~~facsimile fax,~~ the original, ~~with an original signature for subsequent verification of said document and signatures,~~ shall be sent delivered sent mailed by regular United States mail to the Commission and copies provided to served on all other parties the same day as the day of transmission.

#### **(B.) Service - Complaint -**

1. The party making the complaint shall file the original of the complaint with the Commission. The party filing the complaint shall serve all other parties to the action with a copy of the complaint. ~~including In serving the employer and any surety or sureties, [with a copy of the complaint.]~~ service shall be made on the party's Idaho agent. ~~with a copy of the complaint. by regular United States mail, or by personal service of process.~~ The Commission shall ~~accomplish service~~ serve a copy of the complaint on behalf of pro se (unrepresented) claimants. ~~If service is accomplished by mail, the date the party making the Complaint mails the Complaint to the other party or parties to the action shall be the date of service.~~

2. The address to which each copy of the complaint is ~~sent~~ served shall be the last known address of the respective party or parties, or ~~of~~ the agent thereoffor, as named in the Commission's records, i.e., claim, bond record, or authorized adjuster list.

3. ~~Upon completion of service of~~ After the complaint ~~has been served upon~~ all parties to the action, the party filing the complaint or such party's attorney shall certify to the Commission the parties served, the date and method of service, and the identity of the person served, or, if service is accomplished by mail, the address to which the complaint was sent.

(C.) **Service - Answer** -

1. Each party served with a copy of the complaint must file an answer to said complaint within 21 days from the date of the service of the complaint. ~~Date of actual receipt by the Commission shall be the date the Answer is filed.~~ A copy of the answer shall be served by the defendant(s) upon all other parties. ~~or their attorneys. by regular United States mail, or by personal service of process.~~ If a party has an attorney, service shall be on that attorney.

2. The Commission may shorten or extend the time for filing an answer to the complaint upon a motion and a showing of good cause made within the original time allowed.

~~(D) **Service - Pleadings** - No party shall file any pleading with the Commission unless service of a copy is made served on all other parties and a notice of service is filed with the Commission.~~

**COMMENTS:**

**RULE 5 v.**

**EX PARTE COMMUNICATIONS**

~~+(A.)~~ No Commissioner or Referee shall initiate, permit, or consider ~~ex parte communications or consider other~~ communications made to him or her outside the presence of the parties concerning a pending proceeding. ~~Except where default has been duly entered,~~ No person shall discuss with a Commissioner or a Referee the facts or merits of any matter ~~concerning a pending proceeding~~ in which a Complaint has been filed unless all parties or their attorneys are present, or a party has failed to attend a conference in which the parties have been duly notified of the time for such discussion ~~among the parties conference~~. Nor shall any person correspond with any Commissioner or Referee regarding any such matter unless service of a copy of the correspondence is made on all parties and proof of service is filed.

B. In the event such communication is made, the Commissioner or Referee receiving the communication shall give written notice to all parties of the communication. Any party may thereafter request a status conference to discuss the impact and effect of the communication, and any resolution thereof.

C.~~(B)~~ Referees acting as mediators shall be exempt from the above requirements.

**COMMENTS:**

## RULE 6 VI.

### DEFAULT

~~(A.)~~ **Procedure for Entry of Default** - A party seeking the entry of a default shall give notice by certified United States mail to all parties of its intent to take default and shall file with the Commission proof of service, or attempted service, of the such notice of Intent to Take Default. If the party against whom the default is sought does not ~~plead or otherwise defend~~ respond within 21 days after service, or attempted service, of the notice of Intent to Take Default, the party seeking the default may file a motion ~~for entry of default~~ with the Commission for entry of default. When a party against whom an award or judgment for affirmative relief is sought has failed to ~~plead or otherwise defend~~ respond within the time prescribed by ~~these~~ this rules, the Commission shall ~~may~~ enter that party's default and serve notice thereof ~~upon~~ all parties to the action, ~~including the employer and any surety or sureties.~~

~~(B.)~~ **Award or Judgment of Default** - ~~Establishing a *Prima Facie* Case~~ - Whenever the Commission has granted an ~~Motion for~~ entry of default, the party seeking an ~~default~~ award or judgment shall file with the Commission an application for ~~Default~~ such award or judgment and shall establish a prima facie case to support that application. A claimant's burden of establishing a prima facie case by probable, not merely possible, evidence should not be disregarded simply because the uninsured employer was defaulted by order of the Commission. The party may establish such prima facie case by submitting affidavits, depositions, and/or medical reports to the Commission along with the party's application ~~for Default Award or Judgment~~ or, alternatively, it may file a request for ~~Calendaring and hearing~~ to establish a prima facie case ~~at hearing~~. Proof of medical facts at hearing may be made in the manner set forth in Rule X below. A defaulted party shall not be allowed to participate in the hearing. When the Commission determines whether the party seeking a default award or judgment has established a prima facie case, it shall enter an appropriate order and serve notice thereof ~~upon~~ all parties.

~~(C.)~~ **Setting Aside Default** - For good cause shown and upon written motion filed ~~made~~ within 21 days ~~of~~ after entry of a default, or an award or judgment of default, the Commission may set aside such entry, award or judgment.

A flow chart of a typical default proceeding is attached as Appendix 4.

**COMMENTS :**

**RULE 7 VII.**

**DISCOVERY**

~~(A.)~~ Parties may obtain discovery by one or more of the following methods: depositions by ~~upon~~ oral examination or written questions, written interrogatories, ~~and~~ or requests for production of documents or things.

~~(B.)~~ Requests for admissions shall not be allowed. This provision notwithstanding, the parties may agree to admit facts prior to hearing.

~~(C.)~~ Procedural matters relating to discovery, except sanctions, shall be controlled by the appropriate provisions of the Idaho Rules of Civil Procedure.

**COMMENTS:**

## RULE 8 VIII.

### PREHEARING PROCEDURE

~~(A.)~~ **Conferences** - ~~Use~~ On the motion of any party filed ~~made~~ at any time after the answer to the complaint has been filed, or on its own motion, the Commission may hold a conference or conferences with all parties to consider and discuss the following, as appropriate:

~~(1.) whether the parties wish to mediate their~~  
~~mediating the dispute as provided in Rule 17 of these~~  
~~rules; if the parties agree to mediate, an appropriate~~  
~~time and place for mediating will be established~~  
~~through coordination with the Commission's Mediation~~  
~~Bureau. Where the parties agree to mediate, and a~~  
~~hearing date has been set, mediation shall be held~~  
~~prior to the date of hearing, and the hearing date~~  
~~shall not be vacated unless the parties so request and~~  
~~the Commission so orders. Facts disclosed, offers made~~  
~~and all other aspects of negotiation and mediation~~  
~~proceedings are privileged, confidential and not part~~  
~~of the record. Except by agreement of all parties,~~  
~~facts disclosed in negotiation and mediation~~  
~~proceedings cannot be used against any party, before~~  
~~the Commission or elsewhere, unless proved by~~  
~~independent evidence;~~

~~(2.) the~~ Clarifying ~~simplifying~~ simplification of the issues;

~~(3.) the necessity or desirability of a~~ Amending the pleadings;

~~(4.) the possibly possibility of e~~ Obtaining admissions of fact and of documents which will avoid unnecessary proof;

~~(5.) the~~ Limiting ~~limitation~~ of the number of expert witnesses and the ~~disclosing~~ disclosure of the identity of identifying persons having knowledge of relevant facts ~~and~~ who may be called as witnesses;

~~(6.) the establishment of a~~ Discovery issues and schedule;

~~(7.) Issues of fact and law; and~~

~~(8.) w~~ Whether the case should be heard by the full Commission because it is a case of first impression, presents a situation to overturn or modify precedent,



involves novel or complex facts, or otherwise merits hearing by the full Commission rather than by a Referee; and

~~9.(8)~~      ~~a~~Any other matter which any party or the Commission deems relevant.

~~(B.)~~ **Telephone Conferences** - In any prehearing proceeding before the Commission, including any scheduling or discovery matter, the Commission may, upon motion of any party, or on its own motion, direct that the proceeding be conducted by telephone conference with all parties. ~~rather than by personal appearance. A telephone conference shall not be used when the proceeding is on the record or when any party seeks to produce live testimony.~~

~~(C.)~~ **Calendaring Requesting a Hearing** -

~~(1.)~~ Unless otherwise scheduled for hearing under these rules, no case shall be set for hearing until the time for filing an answer ~~a responsive pleading~~ has passed and a party shall have filed with the Commission and served upon all other parties a written request for ~~Calendaring~~ hearing which shall contain the following:

~~(a.)~~ ~~a request that the case be set for hearing;~~

~~(b.)~~      ~~a s~~Statement of readiness for hearing;

~~(c.)~~      ~~a e~~Clear and concise statement of the factual and legal issue or issues which the party desires the Commission to hear and decide;

~~(d.)~~      ~~the d~~Desired location of the hearing;

~~(e.)~~      ~~the d~~Desired dates of the hearing;

~~(f.)~~      ~~the u~~Unavailable dates of counsel;

~~(g.)~~      ~~the e~~Estimated length of the hearing;

~~(h.)~~      ~~w~~Whether settlement negotiations have been conducted and if so, the likelihood that settlement will be achieved before hearing;

~~(i.)~~      ~~w~~Whether the case should be heard by the full Commission because it is a case of first impression, presents a situation to overturn or modify precedent, involves novel or complex facts, or otherwise merits hearing by the full Commission rather than by a Referee; and

~~(j.)~~      ~~w~~Whether a translator or any assistive device will be needed, or any other information

which will be helpful to the Commission in scheduling or conducting the hearing.

~~(2.)~~ Within ~~10~~ 14 days of the date of service of the request for ~~Calendar~~ing ~~hearing~~, all opposing parties shall ~~in writing, object or otherwise respond in writing~~ to the ~~r~~Request for ~~Calendar~~ing. Any party objecting to scheduling the case for hearing must submit a clear and concise statement of the reasons why the case should not be set. If no response is timely filed, the Commission may schedule a hearing based solely on the request for hearing. ~~If an opposing party does not object to the Request for Calendar~~ing, it shall respond by filing with the Commission and serving upon all other parties a Response to Request for Calendar~~ing containing all of the information specified in subparagraphs (1)(b) through (1)(j) above.~~

~~(3.)~~ The Commission may order all parties to submit prehearing statements containing any of the information specified in subparagraphs C.1.c. (1)(e) through C.1.j. (1)(j) above and/or prehearing memoranda and may schedule a case for hearing on its own motion.

~~(D.)~~ **Emergency Hearings** - If, at any time after the date the answer is filed, or should have been filed, any party believes that an emergency exists such that an expedited hearing on any issue or issues is needed, that party shall file a ~~Motion~~ requesting for an emergency hearing. The Commission may issue an order scheduling an emergency hearing after ~~providing~~ conducting a telephone conference in which all parties are provided an opportunity to present their positions as to the necessity of an emergency hearing during a telephone conference, which telephone conference shall be held at the earliest date and time available. The determination of what constitutes an emergency justifying an emergency hearing shall be within the Commission's sole discretion. In the event the request is granted, the parties shall be prepared to proceed to hearing within 30 days of the conference.

~~(E.)~~ **Small Claims** - If the total amount of controversy the claim is less than \$2,000 and the parties have failed to resolve the matter in mediation, the case may be heard according to subsection (D) on an emergency basis.

**COMMENTS :**

**RULE 9 ~~IX~~.**

**WITNESS FEES, MILEAGE AND SERVICE OF SUBPOENAS**

Unless otherwise provided by law, nNo person shall be required to attend as a witness in any proceeding before the Industrial Commission unless that person's lawful mileage and witness fee for one day's attendance shall first be paid or tendered to him or her. Witness fees and mileage shall be in the amounts provided by law for a witness in the district courts of this state as set forth in Idaho Rule of Civil Procedure 54(d)(1), and shall be paid by the party in whose behalf the witness is subpoenaed unless the witness chooses not to accept payment. Service of subpoenas shall be accomplished in the manner provided by law for the service of subpoenas in civil proceedings in the district courts of this state.

**COMMENTS:**

**RULE 10 X.**

**HEARING PROCEDURE**

~~(A.)~~ **Presiding Officers** - Hearings are held before one or more Commissioners or a Referee appointed by the Commission. The presiding officer in each case is designated by the Commission.

~~(B.)~~ **Stipulations** - The parties may stipulate to the facts of any case in writing and the Commission may make its order or award thereon.

~~(C.)~~ ~~**Exhibits and Witnesses**~~ -

~~(1.) Unless good cause is shown to the contrary at least ten (10) days prior to a hearing, each party shall serve upon all other parties complete, legible, and accurate copies of all exhibits to be offered into evidence at hearing, including but not limited to medical records. The proposed exhibits shall be arranged in chronological order with the first page as the earliest date proceeding to the latest date. All exhibits shall be numbered by page. arranged in chronological order within each exhibit and Each party shall file a nNotice of Service thereof with the Commission that service of such exhibits has been completed.~~

~~(2) The parties shall similarly serve upon all other parties a complete list of witnesses, including expert witnesses, who will testify at hearing and a summary of their testimony. Excluding rebuttal witnesses but Rebuttal witnesses are excluded from this requirement.~~

~~2.(3) In the event that the existence of a proposed exhibit is discovered in good faith and with due diligence less than 10 days before the date of hearing, the party discovering the same shall immediately notify all other parties of the existence of the exhibit, serve a complete, legible and accurate copy of the exhibit upon all other parties and file with the Industrial Commission a notice of indicating the service of such proposed exhibit has been served.~~

~~(D.)~~ **Depositions - Generally** - The testimony of any witness or witnesses may be presented by deposition prior to the conclusion of the hearing, provided that the party offering the deposition testimony provides reasonable notice prior to the taking of the deposition that the deposition may be used for

testimonial purposes. The deposition testimony of any witness also may be presented prior to the conclusion of the hearing by agreement of the parties. Absent such notice or agreement, a deposition may be used only to the extent allowed by the Idaho Rules of Civil Procedure.

~~(E.)~~ **Post-hearing Depositions -**

1. At the conclusion of a hearing, unless the parties agree to a shorter time, the record shall remain open for the submission of deposition testimony of physicians and vocational expert witnesses. "Physician" as used in this rule means (1) a "physician" as defined by Idaho Code § 72-102(21), Section 72-102(21), Idaho Code; or (2) a practitioner of medicine or any of the healing arts or sciences duly licensed as such in another state. Notice of all depositions to be taken pursuant to this subsection must be filed with the Commission and served on all other parties not later than 10 days prior to the hearing.

2. A party who has given notice of a deposition under this subsection may vacate the deposition only by serving reasonable written notice upon all other parties and giving them an opportunity to respond. Any party who objects to vacating a post-hearing deposition must serve reasonable written notice of its objection upon all other parties. If any party serves a notice of objection as provided herein, the deposition shall not be vacated; provided, however, that the service of a notice of objection shall constitute a certification that the party or parties objecting to vacating the deposition will bear the costs of the deposition.

3. All depositions to be submitted on behalf of a claimant must be taken ~~by~~ no later than 14 days after the conclusion of the hearing; all depositions to be submitted on behalf of a defendant must be taken ~~by~~ no later than 28 days after the conclusion of the hearing. The Commission ~~shall have the power to~~ may alter the time limits within which to notice or take post-hearing depositions upon motion showing good cause for such modification; provided, however, that any stipulation or motion to enlarge the period for post-hearing depositions must be submitted to the Commission for its approval prior to the expiration of the original period and must set forth ~~with specificity~~ reasonable grounds for such enlargement and the extent of the enlargement sought.

4. Unless the Commission, for good cause shown, shall otherwise order, at or before the hearing, the evidence

presented by post-hearing deposition shall be evidence known by or available to the party at the time of the hearing and shall not include evidence developed, manufactured, or discovered, or manufactured following the hearing. Experts testifying post-hearing may base an opinion on exhibits and evidence admitted at hearing but not on such evidence developed following hearing, except on a showing of good cause and order of the Commission. No lay witness rebuttal evidence is only admissible post-hearing except on good cause shown and order of the Commission. in the event new matters have been presented and the Commission so orders.

~~(F.)~~ **Evidence** - The filing of a document, including a pre-hearing deposition, does not signify its ~~receipt~~ admission in evidence, and only those documents which have been ~~received in~~ admitted as evidence shall be included in the record of proceedings of the case.

~~(G.)~~ **Medical Reports** - Any medical report(s) existing prior to the time of hearing ~~on a form prescribed by the Commission, or in narrative form,~~ signed and dated by a physician, or otherwise sufficiently authenticated, may be submitted offered for consideration admission as shall be admissible in evidence at the hearing. ~~insofar as it purports to present one or more of the following: the history, findings on examination, diagnosis, treatment, prognosis, claimant's physical and/or work limitations, the physician's opinion as to causation, the physician's opinion of the claimant's permanent physical impairment, or the physician's apportionment of impairment. The fact that such report(s) constitutes hearsay shall not be grounds for its exclusion from evidence.~~

~~(H)~~ **Vocational Rehabilitation Reports** - ~~Any vocational rehabilitation report existing at least ten (10) days prior to hearing shall be admissible in evidence at the hearing insofar as the report purports to present one or more of the following: the vocational history of a claimant, work search by and/or for the claimant, data relating to the labor market, and opinion as to the claimant's employability. Any information obtained at any time after ten days prior to hearing shall be admitted into evidence, except on good cause shown and order of the Commission.~~

**COMMENTS:**

**RULE 11 ~~XI~~.**

**BRIEFS**

~~(A.)~~ **Time for Filing** - The Commission shall grant ~~all a request by any parties to any action time in which~~ to submit argument by written briefs. Unless there appears good cause for establishing an alternate briefing schedule and the Commission so orders, the claimant shall file an opening brief no later than 56 days after the hearing, each defendant shall file a response brief no later than 73 days after the hearing, and the claimant may file a reply brief no later than 83 days after the hearing. As continuances are not favored, the Commission will not grant requests for additional time for filing briefs unless made by motion within the original time allowed and upon a showing of good cause. No brief in excess of 30 ~~50~~ pages, exclusive of any addendum or exhibit, shall be filed without the Commission's prior ~~consent~~ approval. ~~All Briefs of 20 pages or more shall may contain a table of contents.~~

~~(B.)~~ **Citations and Support Required** - Whenever a party refers to deposition testimony or hearing testimony, whether by quoting or paraphrasing, such reference must include a citation to the page or pages and line or lines in the transcript. Whenever a party refers to evidence reflected in an exhibit, such reference must include a citation to the number and page of the exhibit. Whenever a party asserts a point of law, such assertion must be supported by citation to appropriate legal authority, including but not limited to, statutes, case law, or legal treatises. Whenever a brief does not contain the citations and support required by this rule it may be subject to a motion to strike by any party or may be stricken by the Commission on its own motion. Greater leniency is afforded pro se claimants in complying with this provision.

**C. Copies of Briefs** - Four copies of all post-hearing briefs shall be submitted to the Commission along with the original.

**COMMENTS:**



**RULE 12 XII.**

**DISMISSALS**

A. **Generally** - Unless good cause is presented, a dismissal of the a complaint shall be without prejudice.

~~(B.) Dismissal for~~ **Non-Prosecution** - The Commission may dismiss a complaint without prejudice if no action has been taken on the case file for a period of ~~six~~ (6) months. Prior to dismissal, the Commission shall give written notice to the parties of the Commission's intent to dismiss the complaint. Any party may, within 21 days of the date of service of the Commission's notice, show cause in writing why the Commission should not dismiss the complaint.

~~C.(A)~~ **Dismissal Upon Motion of Party Filing Complaint** - Unless good cause to the contrary appears, the Commission shall grant a motion for dismissal when made by the party filing the complaint.

~~D.(C)~~ **Stipulation** - The Commission may, upon presentation of sufficient grounds or good cause, dismiss a complaint with or without prejudice pursuant to stipulation by the parties.

**COMMENTS:**

**RULE 13 ~~XIII~~.**

**DISPOSITION OF EXHIBITS**

At any time after the expiration of 21 days from the date within which an appeal may be taken from a decision of the Commission, the Commission may dispose of any exhibits. ~~which, in its judgment, cannot be conveniently filed or stored by the Commission.~~ Any party seeking the return of any exhibits offered by that party shall contact the Commission and arrange to reclaim such exhibits prior to expiration of the 21-day period.

**COMMENTS:**

**RULE 14 XIV.**

**CHANGE OF ATTORNEY/ATTORNEY WITHDRAWAL**

~~(A.)~~ **Substitution of Counsel Attorney** - The attorney of record for a party ~~to an action~~ may be changed or ~~a new attorney~~ substituted by ~~notice to~~ notifying the Commission and all parties. ~~signed by~~ Approval by the Commission will not be necessary if both the withdrawing attorney and the new attorney ~~without first obtaining leave of the Commission sign the notice.~~ If a new attorney appears in an action, the action shall proceed without delay, unless the Commission finds good cause for delay of the proceedings.

~~(B.)~~ **Leave to Withdraw** - Except as provided in ~~subsection (A) above,~~ or by stipulation between an attorney and his or her client, ~~and upon order of the Commission approving said stipulation,~~ no attorney may withdraw as an attorney of record without first obtaining ~~leave and order of~~ approval by the Commission. ~~upon a~~ A request to withdraw shall be made by filing a motion, supported by affidavit, ~~filed~~ with the Commission and served on all parties to the action, including the client. The Commission may grant leave to withdraw as counsel of record ~~for~~ upon a showing of a factual basis to establish good cause and upon such conditions as will prevent any delay in determination and disposition of the pending action. Notwithstanding this provision, a claimant who intends to terminate the services of his or her attorney of record and to proceed pro se may do so by giving written notice to the Commission, the claimant's attorney of record, and all parties that the claimant will no longer be represented by counsel and will represent himself or herself.

~~(C.)~~ **Notice to Client of Withdrawal** - ~~If an attorney is granted leave to withdraw, the Commission shall enter an order permitting the attorney to withdraw. After the order is entered, Upon entry of an order permitting withdrawal,~~ the withdrawing attorney shall ~~forthwith,~~ with due diligence, serve a copy of the order upon the attorney's former client and file proof of service of the same with the Commission. Until the order is served on the client, the attorney shall remain counsel of record for the client. The withdrawing attorney shall make such service ~~upon to the last known address of his or her client, as is most likely to give actual notice to the client.~~ Such service may be made by personal service or by certified mail to the client's last-known address. Service by certified mail shall be complete ~~upon~~ mailing. ~~Upon the entry of an order granting leave to an attorney to withdraw from an action, no further proceedings can be had in that action which will affect the rights of the client of the withdrawing attorney for a period of 21 days after service~~

or mailing of the order of withdrawal to the parties to the action.

~~(D.) Withdrawal Upon Death, Extended Illness, Absence, Suspension or Disbarment of Attorney~~ Extraordinary Circumstances  
- In the event of the death, extended illness, absence, suspension or disbarment from the practice of law of an attorney of record in an action, if such attorney has not ~~indicated on his or her appearance that the attorney is~~ associated with a partnership, firm, corporation or another attorneys, ~~in the action,~~ the Commission may issue an order withdrawing the attorney of record. In such event, ~~then~~ no further proceedings can be had in such action that will affect the rights of the party represented by such attorney for a period of 21 days after the order has been served as provided in this rule.

COMMENTS:

RULE 15 XV.

DECLARATORY RULINGS

~~(A.)~~ **Purpose** - The Commission provides this rule ~~for the filing and prompt disposition of Petitions for Declaratory Rulings~~ format for rulings on the construction, validity, or applicability of any workers' compensation statute, rule, regulation, or order.

~~(B.)~~ **"Person" Defined** - The word "person" whenever used in this rule, shall be construed to mean any person, partnership, governmental agency or department, unincorporated association or society, or other corporation of any character whatsoever. Such a person shall be the petitioner in the proceeding.

~~(C.)~~ **Contents of Petition** - Whenever any persons ~~have~~ has an actual controversy over the construction, validity or applicability of a statute, rule, regulation or order, ~~pertaining to any matter within the Idaho Industrial Commission's jurisdiction, any one or more of the adverse that persons may file a written petition with the Commission, asking~~ The petition will request the Commission to determine the construction, validity or applicability of such statute, rule, regulation or order subject to the following requirements:

~~1.(1)~~ ~~The petitioner must expressly state in the petition that it seeks a declaratory ruling and must identify the statute, rule, regulation or order on which it seeks a ruling~~ is requested and state the issue or issues ~~it petitions~~ requests the Commission to be decided;

~~2.(2)~~ ~~The petitioner must allege in the petition that an actual controversy exists over the construction, validity or applicability of the statute, rule, regulation or order and must state with specificity the nature of the controversy;~~

~~3.(3)~~ ~~The petitioner must have an interest which is directly affected by the statute, rule, regulation, or order as to in which it seeks a ruling~~ is requested and must plainly state that interest in the petition; and

~~4.(4)~~ ~~The petition shall be accompanied by a memorandum setting forth all relevant facts and law in support thereof.~~

~~(D.)~~ **Service Upon Parties** - The petitioner shall serve a copy of the petition on all other persons to the actual controversy at the time the petition is filed with the Commission. ~~and a~~ All persons so served shall be deemed parties to the declaratory ruling proceeding. A declaratory ruling shall not be binding upon persons not made parties to the proceeding.

~~(E.)~~ **Time for Responses or Replies** - Within 14 days after service of a petition ~~for declaratory ruling~~, any party served may file ~~with the Commission and serve on all other parties~~ a written response thereto, stating with specificity the facts and the law on which the responding party relies. Within 10 days after service of a ~~written~~ the response, ~~the petitioning party~~ petitioner may file ~~with the Commission and serve on all parties~~ a reply. The Commission may shorten or extend the time for filing a response or reply upon a motion and a showing of good cause made within the original time allowed. All such responses or replies shall be served on all other parties.

~~(F.)~~ **Disposition of Petition** - ~~Upon~~ receipt of a petition ~~for Declaratory Ruling~~ and after the time for filing all responses and replies ~~thereto~~ has passed, the Commission may:

1.(1) ~~Upon~~ the motion of any party, or on its own motion, hold a hearing on the facts and/or law;

2.(2) Conduct such investigation or inquiry as it deems proper, or call for a submission of such facts, evidence, or information as it deems necessary to enable it to make a determination of the issue or issues;

3.(3) Issue a written ruling which shall have the force and effect of a final order or judgment; ~~or~~

4.(4) Decline to make a ruling ~~as requested by the Petition. The Commission may decline to make a ruling if when:~~

a.(a) ~~The~~ Commission lacks jurisdiction over the issue or issues presented;

b.(b) ~~There~~ is no actual controversy; ~~or~~

c.(c) ~~The~~ petitioner would not be directly affected by a resolution of the issue presented; ~~or~~

d.(d) ~~The~~ petitioner does not provide sufficient facts or other information upon which the Commission may ~~predicate~~ base a ruling; ~~or~~

~~e.(e)~~      ~~t~~The issue upon which a determination is sought is or should be the subject of other administrative or civil litigation or appeal; or

~~f.(f)~~      ~~i~~It appears to the Commission that there is other good cause why a declaratory ruling should not be made.

**COMMENTS:**

**RULE 16 XVI.**

**~~VIOLATION OF RULES:~~ SANCTIONS**

The Commission retains power to impose appropriate sanctions for any violation or abuse of its rules or orders procedures.

**COMMENTS:**



**RULE 17 XVII.**

**MEDIATION EFFECTIVE DATE**

A.(A)      **Definition** - Mediation is an informal process by which participants voluntarily meet to reach an agreement for a fair settlement of their dispute(s). Each mediation is conducted by a neutral Commission mediator who has experience in resolving disputes. The mediator facilitates the meeting but does not give legal advice to the participants.

B.(B)      **Duties of Mediator** - The mediator shall assist the participants in reaching a mutually acceptable resolution of the dispute(s) through discussion and negotiation. The mediator shall be impartial, neutral, and unbiased. The mediator shall make no decisions for the participants. The mediator shall maintain the confidentiality of information obtained in the mediation process and will not testify for any participant should the case proceed to a formal hearing.

C.(C)      **Request for Mediation** - At any point in the dispute resolution process, a person or party may request mediation of the dispute(s). If ~~approved~~ agreed by the opposing party, the Commission will schedule the mediation as soon as practicable.

D.(D)      **Mediation Procedure** -

(1.) An appropriate time and place for mediation will be established through coordination with the Commission. If mediation is held prior to hearing, the hearing date shall not be vacated unless the parties so request and the Commission so orders.

(2.) A person with full authority to settle the dispute shall participate or be available to participate in mediation proceedings. Any participant may be assisted by another person.

(3.) Mediation proceedings shall be regarded as settlement negotiations, and no admission, representation or statement made in mediation, not otherwise discoverable or obtainable, shall be admissible as evidence in any proceeding before the Commission. All communications, whether verbal or written, from the participants to the mediator and any information that is presented to the mediator during the proceedings shall be confidential, unless otherwise

agreed by the participants or ordered by an official with appropriate authority to do so.

~~(E.)~~ **Agreement** - If the participants reach an agreement, their agreement shall be reduced to writing, signed by the participants and submitted to the Commission for consideration and approval. The agreement shall set forth the resolution of the issue(s) and the responsibilities of each participant. If approved by the Commission, the agreement shall be enforceable as a Commission award. the parties shall submit a written and signed settlement agreement for approval by the Commission.

**COMMENTS:**

**RULE 18 XVIII.**

**LUMP SUM SETTLEMENT AGREEMENTS**

~~(A.)~~ **Service, Form** - Documents ~~required by~~ necessary to finalize settlement under this rule to be filed or served, shall be filed and a copy thereof served by United States mail or personal delivery on the other parties. ~~The~~ text of a settlement agreement shall be on 8.5" X 11" paper and shall identify the attorney or party that prepared it.

~~(B.)~~ **Standard of Review** - Prior to approving a lump sum settlement, the Commission will review a proposed lump sum settlement to determine whether such settlement is in the best interests of all parties.

~~(C.)~~ **Requirements** - To ensure the Industrial Commission has information upon which a determination can be made, the Commission requires the parties to submit the following information and serve a copy on each of the parties:

1.~~(1)~~ Text of the terms of settlement, which shall include:

a.~~(a)~~ The parties' names.

b.~~(b)~~ Industrial Commission claim number(s),

c.~~(c)~~ Claimant's current medical and employment status,

d.~~(d)~~ A list of all medical providers paid, grouped within categories which are "physician," "hospital," "therapy," "mileage," "miscellaneous,"

e.~~(e)~~ An itemized summary of benefits paid and those to be paid,

f.~~(f)~~ Outstanding and unpaid medical expenses, if any,

g.~~(g)~~ Method of calculating benefits and supporting data, including key medical records,

h.~~(h)~~ Signature of the claimant and the signatures of all other parties, or the authorized agents of the other parties, to the agreement,

i.~~(i)~~ An itemization of any and all fees and costs charged by claimant's counsel prior to the submission of the agreement and an itemization of fees and costs to be deducted from the lump sum payment or payments, and

j.~~(j)~~ A copy of the attorney fee agreement between claimant and counsel for claimant.

~~(2.) If litigated, as defined in IDAPA 17.02.05281, a~~Attorney fee letters as set forth in IDAPA 17.02.05.281.

~~(3.) A proposed Order, which must include A~~an affirmative statement that the agreement is in the best interests of the parties, pursuant to Idaho Code Section § 72-404.

~~(D.)~~ **Effect of Submission and Hearings** - The submission of a proposed lump sum settlement or agreement shall not be considered a motion. If the Commission declines to approve a proposed lump sum settlement agreement, the Commission may on its own motion or on the motion of a party to the agreement schedule a hearing limited to the issue of whether the lump sum settlement and discharge of one or more defendants is for the best interest of all parties. ~~On any matters not approved. There is no appeal from the Commission's decision.~~

~~(E.)~~ **Format** - The information required under Section C of this rule shall be submitted in a format substantially similar to the form provided in Appendix ~~IV~~ 5A and B.

**COMMENT :**

**RULE 19 XIX.**

**DISPUTES BETWEEN PROVIDERS AND PAYORS**

~~As Referenced in IDAPA 17.02.08031 and 17.02.08032~~

**A. Scope** - By virtue of the authority vested in the Industrial Commission pursuant to ~~Idaho Code Sections §§~~ 72-508 and 72-707, the Industrial Commission of the State of Idaho hereby adopts this judicial rule of procedure governing the resolution of disputes between providers and payors.<sup>1</sup> A "dispute" means a disagreement between a provider and a payor over whether any charge for medical services is acceptable pursuant to the provisions of the administrative regulation applicable at the time a charge was incurred.<sup>2</sup> The definitions set forth in IDAPA 17.02.08.031 and 17.02.08.032 are incorporated by reference as if fully set forth herein.

**B. Compliance Prerequisite** - In order to commence the dispute resolution process, a provider must have complied with the applicable procedures preliminary to dispute resolution set forth in IDAPA 17.02.08.032.

**C. Service** - ~~Required~~ documents ~~required by this rule to be filed or served~~ shall be filed and served by ~~regular United States mail, fax, or personal delivery.~~

**D. ~~(A)~~ Scope of Commission Review** - The Commission will use this dispute resolution process to determine whether the provider's charge is acceptable pursuant to the provisions of IDAPA 17.02.08.031, ~~now in effect.~~

**E. ~~(B)~~ Dispute Resolution Process** -

**1. ~~(1)~~ Pleadings.**

**~~(a.) Motion by Provider.~~** If a provider has received from a payor a final objection to all or part of a provider's bill, or if 30 45 days have passed from the date provider sent the bill without response from payor, the provider may file with the

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1 **COMMENT:** This Judicial Rule stands on its own and does not incorporate by reference any other Judicial Rule promulgated by this Commission.

2 **COMMENT:** This process shall be used solely for resolving disputes between providers and payors over whether any charge for medical services is acceptable pursuant to the provisions of the administrative regulation applicable at the time a charge was incurred. It shall not be used to resolve disputes regarding the reasonableness, necessity or appropriateness of medical treatment for claims greater than \$500.00. Reasonableness of treatment includes such issues as whether the number, provider, type or style of treatments is appropriate. Those issues may be raised by means of a Complaint filed with the Commission.

Commission and serve upon the payor a Motion request for approval of the disputed charge. If a payor has finally objected to more than one charge in a single billing, the provider may seek approval of all such charges in a single motion.

(i) **Form.** The provider shall file such ~~motion request~~ on the form ~~here~~ provided in Appendix 6 and attach thereto affidavits and/or other documents evidencing facts sufficient to show that the charge(s) in dispute is(are) acceptable pursuant to the applicable regulation. (Appendix 6A and 6B)

(ii) **Timing.** Such ~~motion request~~ must be filed with the Commission and served upon the payor within ~~thirty~~ (30) calendar days of the date the provider receives the payor's final objection, or within 45 days from the date provider sent the bill to payor if payor has not responded. A provider's failure to timely file a motion request for ~~approval of the~~ disputed charge(s) shall forever bar the provider from seeking the Commission's approval of any charge as to which a final objection has been made.

~~(b.)~~ **Response by Payor.** A payor served with a ~~motion request~~ for ~~approval of the~~ disputed charge shall file a response, ~~if any it has,~~ with the Commission, together with affidavits and/or other documents evidencing facts sufficient to show that the charge(s) in dispute is(are) not acceptable pursuant to the applicable regulation. ~~and shall serve~~ The response and accompanying documents shall be served on the provider within ~~twenty one~~ (21) calendar days of the date it receives the provider's motion. If no response to a ~~Provider's Motion~~ is filed and served within the time provided herein, the Commission shall enter a default in favor of the provider and the charges will be deemed reasonable. ~~Payor shall be precluded from further objecting to that (those) charges(s) as unacceptable and the Commission shall enter a default in favor of the Provider.~~

~~(2.)~~ **Commission Staff Review.** When the time for filing a response has passed, the Commission shall refer all pleadings and supporting documents filed by the parties to a Commission staff member or members for administrative review and disposition.

~~(a.)~~ **Compilation of Charges.** The Commission shall compile charges for procedures sorted by CPT code or

other similar coding, systematically collected and assembled. The compilation shall be updated, at least annually. The compilation shall also include pertinent information which Commission staff obtains from health care providers, industry representatives, employers and sureties.

~~(b.)~~ **Staff Review.** The Commission's staff shall review the pleadings and supporting documents as well as applicable information contained in the above compilation. The weight to be placed upon any evidence considered by the Commission's staff shall be solely within the staff's independent judgment.

(i) **Advisory Panel.** ~~Upon~~ the Commission staff's recommendation, the Commission may appoint an Advisory Panel on an ad hoc basis to assist the Commission staff in disposing of a ~~motion request~~ request for Approval of a disputed charges. The Advisory Panel shall review all pleadings and supporting documents and any applicable information from the Commission's compilation of charges and shall recommend a disposition ~~of the motion~~ to Commission staff.

(aa) **Panel Composition.** Each Advisory Panel shall consist of ~~three~~ ~~(3)~~ members. One member shall be a provider and, where the provider filing the ~~motion request~~ request for Approval of a disputed charge practices a specialty, the provider on the panel shall, whenever possible, have the same specialty. One member of the panel shall represent payors, and one member of the panel shall represent the public. The Commission shall seek recommendations for panel membership from professional associations, industry representatives, and providers. No panel member shall have a financial interest in the specific workers' compensation claim or in the fee in dispute or in the entity charging such fee. Panel membership shall be voluntary and non-compensated.

~~(bb)~~ **Excise of Identifying Information.** Prior to forwarding the above-referenced materials to the Advisory Panel, Commission staff shall excise, to the extent possible, all information which would permit identification of the parties to the dispute by the Panel.

(ce) **Advisory Panel Recommendation.** The Advisory Panel shall consider the above information and issue a written recommended disposition of the provider's motion to the Commission staff. The Panel's recommendation will be strictly advisory, and the Commission staff will exercise independent judgment in determining whether and to what extent it will adopt the Panel's recommendation.

(c.) **Administrative Order.** The Commission staff will issue an administrative order ruling on the motion for ~~Approval of~~ disputed charge. The administrative order shall state the reasons therefor and shall be filed with the Commission and served on all parties. Where an Advisory Panel has recommended a disposition, the Commission staff shall append the Advisory Panel's recommendation to the administrative order. Commission staff shall state in the body of the administrative order whether and to what extent Commission staff adopted the Advisory Panel's recommendation and the reasons therefor.

(3.) **Reconsideration.**

a. **De Novo Review.** Any party aggrieved by the administrative order issued by the Commission staff may, within ~~twenty-one~~ (20-21) days of the date the administrative order is entered, file a ~~Motion~~ for reconsideration seeking de novo review by the Industrial Commission, stating with specificity the reason(s) therefor and shall serve a copy on the opposing party. The other party shall have ten (10) days to file a response to the motion, and the aggrieved party shall have five (5) days to file a reply to the response. ~~Upon the filing of a Motion~~ On the filing of a Motion for reconsideration, and where the Commission determines that the interests of justice will be served by further review, the Commission may conduct a de novo review of the record to determine whether the interests of justice have been served by the administrative order, or may remand the matter to Commission staff for de novo consideration and entry of an additional administrative order.

(i) **Record.** The record shall include all pleadings and exhibits filed with the Commission, any other information relied upon by the Commission staff, and the administrative order.



~~(b.)~~ **Opportunity to Present Additional Evidence.**

(i) Any party desiring to submit additional evidence must submit it with the reconsideration, or response thereto. Additional evidence may not be submitted with a reply to a response. The party submitting the evidence must demonstrate good cause why the evidence was not submitted with the motion for disputed charge. Good cause will be based on whether the evidence was newly discovered or not available when the motion for a disputed charge was submitted, or excusable neglect. If the party fails to show good cause, the evidence will not be considered.

~~(aa) The reason the moving party requests leave to submit additional evidence;~~

~~bb) A specific description of the evidence the moving party desires to present;~~

~~(cc) An explanation of why the proposed evidence is relevant to the issue(s) before the Industrial Commission;~~

~~(dd) The reasons why the proposed evidence was not presented before the staff; and~~

~~(ee) The manner in which the party seeks to present additional evidence.~~

(ii) The Commission shall issue an order ruling on the request Motion to augment the record Present Additional Evidence. If the Commission grants such request the Motion to Present Additional Evidence, it shall establish a schedule and method whereby such additional evidence may be presented.

~~(c.)~~ **Order.** After a de novo review of the record and, where applicable, review of additional evidence, the Commission shall issue an order on the reconsideration Motion to Reconsider.

~~Adopted, effective November 16, 1992~~

**RULE 20 XX.**

**CHANGE OF PHYSICIAN**

A. **Legal Authority** - Rule XX 20 was promulgated established and adopted by the Idaho Industrial Commission (Commission) pursuant to Idaho Code § 72-432(4). on December 22, 1997. Thereafter, the rule was amended on April 26, 1999.

**B. Definitions -**

1. The terms "petition," "written notice," "employee's request," and "claimant's request" as used in Idaho Code § 72-432(4) have the same meaning and shall refer to the Petition for Change of Physician (Petition) as described herein.

2. The terms "written decision" and "response" as used in Idaho eCode § 72-432(4) have the same meaning and shall refer to the Response to Petition for Change of Physician (Response) as described herein.

3. The term "employee" shall refer to an employee or an authorized representative thereof.

4. The term "employer" shall refer to the employer, surety, or authorized representative thereof.

**C. Filing and Service -**

1. Any documents required by this rule to be filed and/or served upon a party and/or the Commission shall be so filed or served by mail, by facsimile fax machine, or by personal delivery. Such documents shall be sent to the last known address of the person receiving the document. If transmitted by facsimile machine, the original shall be mailed or delivered to the receiving party, and a copy shall be provided to the Commission.

2. Proof of service shall be accomplished by a certificate of service from the serving party indicating the type of document served, the method of service, name and address of the person receiving service, and the date the document was either mailed, transmitted by facsimile fax, or personally delivered.

3. Service by mail shall be presumed to be accomplished three (3) days after the date of mailing, unless otherwise shown by the receiving party.

D. **Attorney Representation** - For purposes of this rule, the provisions of Rule ~~II~~ 2, J.R.P., requiring representation by an attorney shall not apply.

E. **Petition** - In order to request a change of physician within the meaning of Idaho Code § 72-432(4), the employee must serve a petition upon the employer or surety. The petition may be served at any time, regardless of whether a complaint has been filed pursuant to Rule ~~III-(A)~~ 3A, J.R.P. A copy of the petition shall be provided to the Commission. The petition shall be in writing and submitted in a format substantially similar to the form provided in Rule ~~XX, Form A~~ Appendix 7A.

1. The petition shall be signed by the employee and shall contain the following information:

- a.~~(a)~~ Name and address of the employee;
- b.~~(b)~~ Name and address of the employer;
- c.~~(c)~~ Name and address of surety (if known);
- d.~~(d)~~ Name and address of current physician;
- e.~~(e)~~ Name and address of physician to whom change is being requested;
- f.~~(f)~~ General information (including date, place, and circumstances of injury/disease);
- g.~~(g)~~ Summary statement of the medical treatment received to date;
- h.~~(h)~~ Reason change of physician is requested; and
- i.~~(i)~~ Dates available for hearing within the next 30 days.

2. The employee may attach to the petition legible and accurate copies of any documentation supporting the request for change of physician. Whether such documents are accepted into evidence is solely within the discretion of the Commission.

F. **Response** - The employer shall respond to the petition within ~~fourteen (14)~~ days from the date of service thereof. The response shall be in writing and be submitted in a format substantially similar to the form provided in Rule ~~XX, Form B~~ Appendix 7B.

1. The response shall be signed by the employer and shall contain the following information:

- a. Name and address of the employer;
- b. Name and address of the surety;
- c. Name and address of the employee;
- d. Statement approving or denying the Petition;
- e. If denied, a statement of the reasons for the denial; and
- f. If denied, dates available for hearing within the next ~~15~~ 14 days.

2. The employer may attach to the response legible and accurate copies of any documentation supporting the response. Whether such documents are accepted into evidence is solely within the discretion of the Commission.

3. If the petition is approved by the employer, the employer shall render and provide its response to the Commission. A copy of the response shall be served upon the employee. The parties shall act in accordance with such approval without further action by the Commission.

4. If the petition is denied, the employer shall render and file its response with the Commission. A copy of the response shall be served upon the employee. Upon receipt of the response, the Commission shall deem the petition filed and the matter in dispute.

5. Default. If the employer does a response is not rendered respond within ~~fourteen~~ (14) days from the date the petition was received and the employee desires a default order, the employee shall ~~may~~ file a written statement that there has been no response to the Petition and attach a copy of the certificate of service of the petition. ~~Up~~ On receipt of these documents, the Commission shall issue an order granting the petition. A copy of the order shall be served by the Commission upon the parties.

G. **Expedited Hearing** - Within ~~fourteen~~ (14) days from the filing of the response denying the petition, the Commission shall conduct an expedited hearing to determine whether or not the petition should be granted.

1. Presiding Officer. The hearing shall be conducted by a Referee or one or more of the Commissioners.

2. Hearing. The hearing shall be conducted in person or by telephone conference, at the convenience of the Commission. If conducted by telephone conference, the call shall be initiated by the presiding officer.

3. Notice. Notice of the presiding officer(s) method, time, and place of the hearing shall be given to the parties as soon as practicable.

4. Evidence. Exhibits, affidavits, depositions, and other documentation offered into evidence must be submitted to the Commission, and copies served upon the opposing party, at least 48 hours prior to the hearing. The parties shall be afforded the opportunity to present witnesses.

5. Extensions. The time limits described herein shall not be extended.

6. Waiver. The expedited hearing may be waived upon stipulation of the parties. In that event, the decision of the Commission will be based upon the written information provided to the Commission prior to the scheduled hearing.

H. **Decision** - The Commission shall issue a decision following the hearing, or waiver thereof, but in no event more than ~~fourteen~~ (14) days after the filing of the response.

1. Basis. The employee bears the burden of establishing reasonable grounds to grant the petition. Reasonable grounds shall be determined from the pertinent facts and circumstances presented by the parties, and is a factual determination solely within the discretion of the Commission.

2. Appeals. The decision ~~is interlocutory and~~ shall not be subject to review or appeal until all issues in the case have been determined by the Commission.

I. **Alternative Procedure** - The above procedure shall not be deemed exclusive. An employee may pursue a change of physician through the application for hearing process described in Idaho Code § 72-706.

~~J. **Effective Date.** Rule XX, as amended shall be effective on and after June 1, 1999.~~

**RULE 21.**

**EFFECTIVE DATE**

These rules shall be effective on and after January 1, 2004  
2003.

## WORKERS' COMPENSATION COMPLAINT

CLAIMANT'S (INJURED WORKER) NAME AND ADDRESS   <u>TELEPHONE NUMBER:</u>		CLAIMANT'S ATTORNEY'S NAME, ADDRESS, AND TELEPHONE NUMBER	
EMPLOYER'S NAME AND ADDRESS <u>(at time of injury)</u>		WORKERS' COMPENSATION INSURANCE <u>CARRIER'S</u> (NOT ADJUSTOR'S) NAME AND ADDRESS	
CLAIMANT'S SOCIAL SECURITY NO.	CLAIMANT'S BIRTHDATE	DATE OF INJURY OR MANIFESTATION OF OCCUPATIONAL DISEASE	
STATE AND COUNTY IN WHICH INJURY OCCURRED		WHEN INJURED, CLAIMANT WAS EARNING AN AVERAGE WEEKLY WAGE OF: \$ _____, PURSUANT TO IDAHO CODE § 72-419	
DESCRIBE HOW INJURY OR OCCUPATIONAL DISEASE OCCURRED (WHAT HAPPENED)			
NATURE OF MEDICAL PROBLEMS ALLEGED AS A RESULT OF ACCIDENT OR OCCUPATIONAL DISEASE			
WHAT WORKERS' COMPENSATION BENEFITS ARE YOU CLAIMING AT THIS TIME?			
DATE ON WHICH NOTICE OF INJURY WAS GIVEN TO EMPLOYER		TO WHOM NOTICE WAS GIVEN	
HOW NOTICE WAS GIVEN: <input type="checkbox"/> ORAL <input type="checkbox"/> WRITTEN <input type="checkbox"/> OTHER, PLEASE SPECIFY			
ISSUE OR ISSUES INVOLVED			
DO YOU BELIEVE THIS CLAIM PRESENTS A NEW QUESTION OF LAW OR A COMPLICATED SET OF FACTS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, PLEASE STATE WHY.			

**NOTICE: COMPLAINTS AGAINST THE *INDUSTRIAL SPECIAL INDEMNITY FUND* MUST BE IN ACCORDANCE WITH IDAHO CODE § 72-334 AND FILED ON FORM I.C. 1002**

PHYSICIANS WHO TREATED CLAIMANT (NAME AND ADDRESS)

WHAT MEDICAL COSTS HAVE YOU INCURRED TO DATE?

WHAT MEDICAL COSTS HAS YOUR EMPLOYER PAID, IF ANY? \$ WHAT MEDICAL COSTS HAVE YOU PAID, IF ANY? \$

I AM INTERESTED IN MEDIATING THIS CLAIM, IF THE OTHER PARTIES AGREE.

☐ YES ☐ NO

DATE

SIGNATURE OF CLAIMANT OR ATTORNEY

**PLEASE ANSWER THE SET OF QUESTIONS IMMEDIATELY BELOW  
ONLY IF CLAIM IS MADE FOR DEATH BENEFITS**

NAME AND SOCIAL SECURITY NUMBER OF PARTY  
FILING COMPLAINT

DATE OF DEATH

RELATION TO DECEASED CLAIMANT

WAS FILING PARTY DEPENDENT ON DECEASED?

☐ YES ☐ NO

DID FILING PARTY LIVE WITH DECEASED AT TIME OF ACCIDENT?

☐ YES ☐ NO

CLAIMANT MUST COMPLETE, SIGN AND DATE THE FOLLOWING FORM; OR OTHER FORM PROVIDED BY EMPLOYER/SURETY:

**MEDICAL RELEASE FORM**

I hereby authorize any defendant and defendants' legal counsel, at their sole expense, to examine, inspect, receive or take copies of any medical reports, records, x-rays or test results of hospitals, physicians or any other person, or to receive information from any person having examined me and their diagnosis, relative to my past, present and future physical and mental condition.

I also authorize and direct that a duplicate set of all documents or written records provided to said law firm, or any individual member thereof, also be provided to me or my attorney, \_\_\_\_\_. The defendant requesting my records shall bear the expense incurred in production of such duplicate set.

I further authorize that copies of this authorization may be used in lieu of the original. THIS AUTHORIZATION IS VALID ONLY FOR THE DURATION OF THE PENDING LITIGATION. It is further understood that all information obtained under this authorization shall be regarded as confidential and maintained as such.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Claimant's Signature

***NOTICE! An Employer or Insurance Company served with a Complaint must file an Answer on Form I.C. 1003 with the Industrial Commission within 21 days of the date of service as specified on the certificate of mailing to avoid default. If no answer is filed, a Default Award may be entered!***

Further information may be obtained from: Industrial Commission, Judicial Division, P.O. Box 83720, Boise, Idaho 83720-0041 (208) 334-6000

*(COMPLETE CERTIFICATE OF SERVICE ON PAGE 3)*



**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I caused to be served a true and correct copy of the foregoing Complaint upon:

**EMPLOYER'S NAME AND ADDRESS**

---

---

---

**SURETY'S NAME AND ADDRESS**

---

---

---

via: ☐ personal service of process

☐ regular U.S. Mail

via: ☐ personal service of process

☐ regular U.S. Mail

☐ I have not served a copy of the Complaint on anyone.

---

Signature

**WORKERS' COMPENSATION  
COMPLAINT AGAINST THE  
INDUSTRIAL SPECIAL INDEMNITY FUND (ISIF)**

CLAIMANT'S NAME AND ADDRESS	CLAIMANT'S ATTORNEY'S NAME AND ADDRESS
EMPLOYER'S NAME AND ADDRESS	EMPLOYER'S ATTORNEY'S NAME AND ADDRESS
I.C. NUMBER OF CURRENT CLAIM	WORKERS' COMPENSATION INSURANCE CARRIER'S <b>ADJUSTERS) NAME AND ADDRESS</b> (NOT
DATE OF INJURY	

NATURE AND CAUSE OF PHYSICAL IMPAIRMENT PRE-EXISTING CURRENT INJURY OR OCCUPATIONAL DISEASE

STATE WHY YOU BELIEVE THAT THE CLAIMANT IS TOTALLY AND PERMANENTLY DISABLED:

DATE

SIGNATURE OF PARTY OR ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, I caused to be served a true and correct copy of the foregoing Complaint upon:

**Manager, ISIF PO Box 83720  
Dept. of Administration Boise, Idaho 83720-7901**

via: personal service of process  
regular U.S. Mail

Claimant's Name \_\_\_\_\_

via: personal service of process  
regular U.S. Mail

Address \_\_\_\_\_

Employer's Name \_\_\_\_\_

via: personal service of process  
regular U.S. Mail

Address \_\_\_\_\_

Surety's Name \_\_\_\_\_

via: personal service of process  
regular U.S. Mail

Address \_\_\_\_\_

I have not served a copy of the Complaint upon anyone.

**NOTICE!:** Pursuant to the provisions of Idaho Code Section § 72-334, a notice of claim must first be filed with the Manager of ISIF not less than 60 days prior to the filing of a complaint against ISIF.

**You must attach a copy of Form IC 1001 Workers' Compensation Complaint, to this document.**

**An Answer must be filed on Form IC 1003 within 21 days of service in order to avoid default.**

ANSWER TO COMPLAINT

I.C. NO. \_\_\_\_\_ INJURY DATE \_\_\_\_\_

\_\_\_\_\_ The above-named employer or employer/ surety responds to Claimant's Complaint by stating:

\_\_\_\_\_ The Industrial Special Indemnity Fund responds to the Complaint against the ISIF by stating:

CLAIMANT'S NAME AND ADDRESS	CLAIMANT'S ATTORNEY'S NAME AND ADDRESS
EMPLOYER'S NAME AND ADDRESS  TELEPHONE NUMBER: _____	WORKERS' COMPENSATION INSURANCE CARRIER'S ( NOT ADJUSTOR'S ) NAME AND ADDRESS
ATTORNEY REPRESENTING EMPLOYER OR EMPLOYER/ SURETY ( NAME AND ADDRESS)	ATTORNEY REPRESENTING INDUSTRIAL SPECIAL INDEMNITY FUND ( NAME AND ADDRESS)

~~\_\_\_\_\_ The above-named employer or employer/ surety responds to Claimant's Complaint by stating:~~

~~\_\_\_\_\_ The Industrial Special Indemnity Fund responds to the Complaint against the ISIF by stating:~~

IT IS: (Check One)		
Admitted	Denied	
		1 . That the accident or occupational exposure alleged in the Complaint actually occurred on or about the time claimed.
		2. That the employer/ employee relationship existed.
		3 . That the parties were subject to the provisions of the Idaho Workers' Compensation Act.
		4 . That the condition for which benefits are claimed was caused partly entirely by an accident arising out of and in the course of Claimant's employment.
		5 . That, if an occupational disease is alleged, manifestation of such disease is or was due to the nature of the employment in which the hazards of such disease actually exist, are characteristic of and peculiar to the trade, occupation, process, or employment.
		6 . That notice of the accident causing the injury, or notice of the occupational disease, was given to the employer as soon as practical but not later than 60 days after such accident or 60 days of the manifestation of such occupational disease.
		<del>7 . That, if an occupational disease is alleged, notice of such was given to the employer within five months after the employment had ceased in which it is claimed the disease was contracted.</del>
		78. That the rate of wages claimed is correct. If denied, state the average weekly wage pursuant to Idaho Code, Section 72-419: \$ _____.
		89. That the alleged employer was insured or permissibly self-insured under the Idaho Workers' Compensation Act.

94-Q What benefits, if any, do you concede are due Claimant?
--

( Continued from front)

11. State with specificity what matters are in dispute and your reason for denying liability, together with any affirmative defenses.

Under the Commission rules, you have ~~twenty-one (21)~~ days from the date of service of the Complaint to answer the Complaint. A copy of your Answer must be mailed to the Commission and a copy must be served on all parties or their attorneys by regular U.S. mail or by personal service of process. Unless you deny liability, you should pay immediately the compensation required by law, and not cause the claimant, as well as yourself, the expense of a hearing. All compensation which is concededly due and accrued should be paid. Payments due should not be withheld because a Complaint has been filed. Rule ~~III-(D)~~ 3.D., Judicial Rules of Practice and Procedure under the Idaho Workers' Compensation Law, applies. Complaints against the Industrial Special Indemnity Fund must be filed on Form I.C. 1002.

I AM INTERESTED IN MEDIATING THIS CLAIM, IF THE OTHER PARTIES AGREE.			YES	NO
DO YOU BELIEVE THIS CLAIM PRESENTS A NEW QUESTION OF LAW OR A COMPLICATED SET OF FACTS? IF SO, PLEASE STATE.				
Amount of Compensation Paid to Date			Dated	Signature of Defendant or Attorney
PPI/PPD	TTD	Medical		

PLEASE COMPLETE

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I caused to be served a true and correct copy of the foregoing Answer upon:

CLAIMANT'S NAME AND ADDRESS	EMPLOYER AND SURETY'S NAME AND ADDRESS	INDUSTRIAL SPECIAL INDEMNITY FUND (if applicable)

via:

personal service of process

regular U.S. Mail

via:

personal service of process

regular U.S. Mail

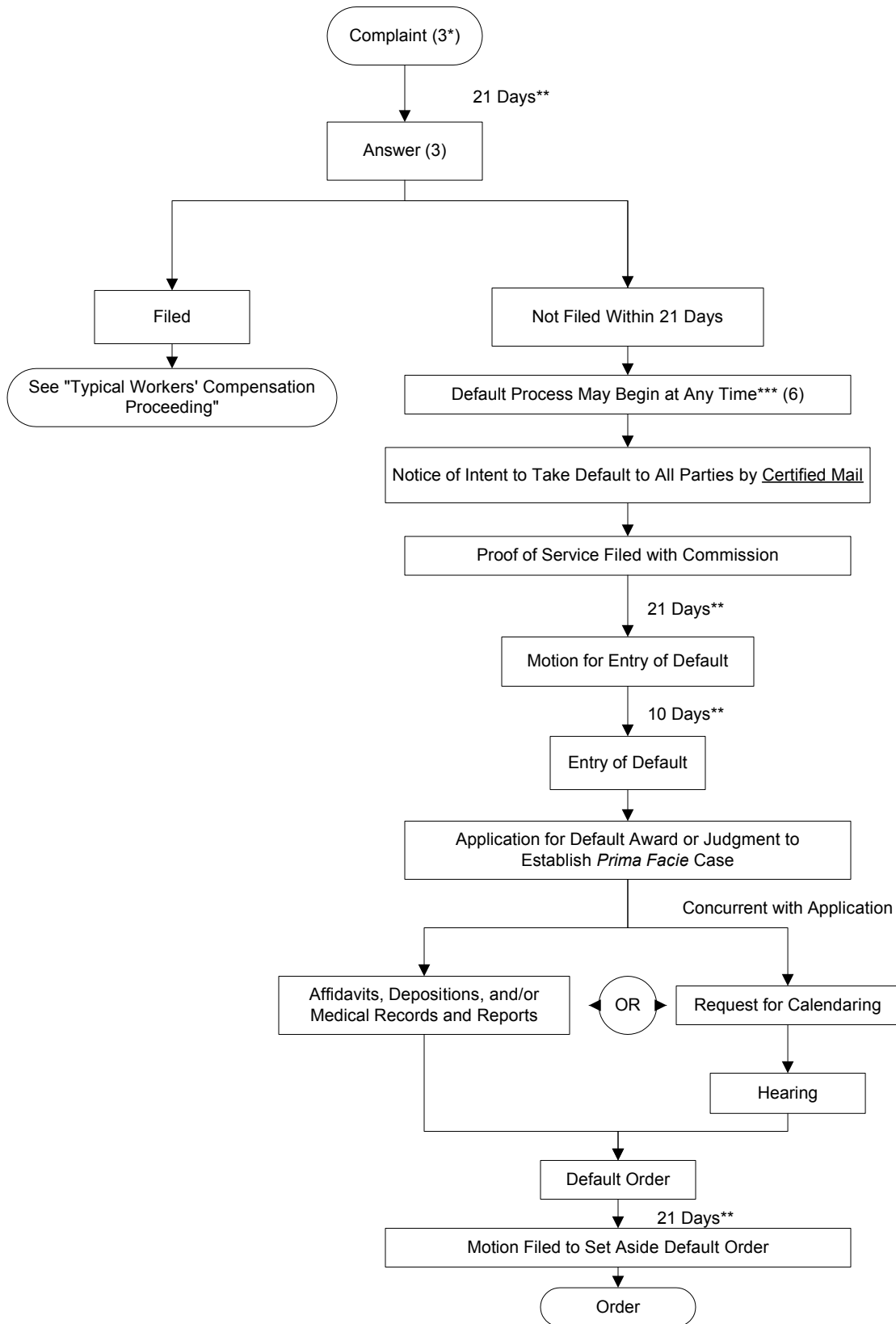
via:

personal service of process

regular U.S. Mail

Signature

# Flow Chart -- Typical Default Proceeding Before the Idaho Industrial Commission



\*Refers to rule in Judicial Rules of Practice and Procedure

\*\*Number of days until deadline

\*\*\* If you do nothing within six months, your case may be dismissed.

## Lump Sum Settlement Example

### PHYSICIANS:

Jones	
Smith	
Thomas	\$4,500.00

### HOSPITALS:

St. Thomas	
St. Jude	1,500.00

### THERAPY:

Thomas Associates	600.00
-------------------	--------

### MILEAGE:

Claimant Reimbursement	48.50
------------------------	-------

### MISCELLANEOUS:

None	0
------	---

---

MEDICAL TOTAL:	\$6,648.50
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### Lump Sum Settlement – Example B

#### TOTAL TEMPORARY DISABILITY, 7/2/00 through 7/29/00

(For each period of disability in which the TTD rate changes, the changes must be shown separately.)

4 weeks, 1 day @ \$252.50/week ..... \$1,046.07

#### RETRAINING, 7/30/00 through 10/5/00

9 weeks, 5 days @ \$252.50/week ..... \$2,452.85

#### PARTIAL TEMPORARY DISABILITY, 10/6/00 through 10/12/00

1 week @ varies/week .....\$ 125.20

SUBTOTAL ..... \$ 3,624.12

#### PERMANENT PARTIAL IMPAIRMENT 10% of whole person

50 weeks @ \$259.05/week ..... \$12,952.50

#### PERMANENT PARTIAL IMPAIRMENT 4% of whole person

20 weeks @ \$259.05/week ..... \$ 5,181.00

FUTURE MEDICAL ..... \$3,400.00

LUMP SUM CONSIDERATION ..... \$5,500.00

SUBTOTAL ..... \$ 8,900.00

TOTAL..... \$30,657.62

LESS TTD PAID ..... \$1,046.07

LESS REHABILITATION PAID ..... \$2,452.85

LESS PARTIAL TEMPORARY PAID ..... \$ 125.00

LESS ADVANCE ..... \$ 350.00

SUBTOTAL..... \$ 3,973.92

NET DUE CLAIMANT BEFORE COSTS AND ATTORNEY FEES ..... \$26,683.70

OUTSTANDING MEDICAL EXPENSES TO BE PAID FROM LUMP SUM ..... \$ 6,000.00

LESS ATTORNEY'S FEES PREVIOUSLY TAKEN ..... \$1,000.00

LESS COSTS, IF ANY ..... \*

ADDITIONAL FEES TO BE TAKEN FROM THIS CASE ..... \$2,225.00

ATTORNEY'S COSTS TO BE TAKEN FROM THIS CASE ..... \*

TOTAL ATTORNEY FEES AND COSTS REGARDING THIS CASE ..... \$ 2,225.00

NET PAYABLE TO CLAIMANT ..... \$18,458.70

\* These amounts must be itemized in an attorney's fee letter.

Name of party Submitting

\_\_\_\_\_  
Address of party Submitting

\_\_\_\_\_  
Phone of party Submitting

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

PROVIDER,	)	
	)	<b><u>REQUEST MOTION</u> FOR APPROVAL OF</b>
	)	<b>DISPUTED CHARGE</b>
v.	)	
	)	
PAYOR,	)	
	)	
_____	)	

In re:

PATIENT:

DATE(S) OF SERVICE:

DISPUTED AMOUNT: \$

Comes now \_\_\_\_\_, Provider, pursuant to Rule XIX 19, JRP, and requests ~~moves~~ the Industrial Commission of the State of Idaho for an order approving the fees for health care services set forth in Appendix "A" attached hereto, which fees have been disputed. Payor has ~~twenty-one~~ (21) calendar days from the date it receives this request ~~motion~~ to file its response. Rule XIX 19, JRP.

Documents submitted in support of this request ~~motion~~ are attached hereto and included the following:

- 1.
- 2.
- 3.
- 4.
- 5.



This request ~~motion~~ is further supplemented by the attached Affidavit, which is incorporated by reference herein. See Appendix B.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Provider or Agent

#### CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true and correct copy of this Request ~~Motion~~ was served on each of the following, as noted:

IDAHO INDUSTRIAL COMMISSION  
MEDICAL FEE DISPUTE COORDINATOR  
PO BOX 83720  
BOISE ID 83720-0041

US Mail \_\_\_\_\_  
Hand Delivery \_\_\_\_\_  
Fax \_\_\_\_\_

Payor's Address:

US Mail \_\_\_\_\_  
Hand Delivery \_\_\_\_\_  
Fax \_\_\_\_\_

\_\_\_\_\_  
Signature

APPENDIX A  
REQUEST ~~MOTION~~ FOR APPROVAL OF DISPUTED CHARGE

<b>Date of Service</b>	<b>CPT Code / Item Description</b> (CPT Code is preferred)	<b>Amount Billed</b>	<b>Amount Paid</b>	<b>Amount Objected to</b>
TOTALS	(expand as necessary)			

APPENDIX B

AFFIDAVIT OF USUAL AND CUSTOMARY

I, \_\_\_\_\_, hereby attest and certify  
that:

1. I have personal knowledge of the information stated in this Affidavit, and it is true and accurate to the best of my information and belief.
2. The charges listed in Appendix A arose from medical services for an industrial injury under the Idaho Workers' Compensation law.
3. The charges listed in Appendix A are this Provider's most frequent charge(s) for the item(s) listed.
4. These charges are the same for all patients, whether industrially injured or not.
5. Attached hereto, or set out below, is: (check one)  
\_\_\_\_\_ an accurate copy of our standard fee schedule for the items in Appendix A, (or)  
\_\_\_\_\_ bills for other patients, non-industrially injured, for the same service/treatment/charge.

DATED This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Provider or Agent

# PETITION FOR CHANGE OF PHYSICIAN

Employee Name and Address:	Employer Name and Address:
Telephone Number:	
Social Security Number:	
Current Physician and Address:	Surety Name and Address (if known):
Requested Physician and Address:	Additional Information or Documentation Attached (Circle One):
	No                      Yes

Date of Injury/Disease:

General Information:

Medical Treatment to Date:

Reason for Change:

Hearing Date/Time Availability Next 30 Days:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

~~ORIGINAL TO EMPLOYER/SURETY~~ Original to Employer/Surety  
~~OR SURETY~~

Copy to Idaho Industrial Commission, 317 Main St., PO Box 83720,  
Boise, ID 83720-0041, or fax to 208-332-7558 ~~334-2321~~.

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, I caused to be served the Original Petition for Change of  
Physician upon either the following Employer or its Surety:

EMPLOYER'S NAME AND ADDRESS

SURETY'S NAME AND ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

via:

☐ Personal Service of Process

☐ Personal Service of Process

via:

☐ Regular U. S. Mail

☐ Regular U.S. Mail

I also hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, I caused to be served a true and correct copy of the  
foregoing Petition for Change of Physician upon:

Idaho Industrial Commission  
317 Main Street  
Post Office Box 83720  
Boise, Idaho 83720-0041

via: ☐ Personal Service of Process

☐ Regular U. S. Mail

☐ Facsimile transmission to 208/332-7558

\_\_\_\_\_  
Signature

## RESPONSE TO PETITION FOR CHANGE OF PHYSICIAN

Employer Name and Address:	Surety Name and Address:
Employee Name and Address:	Additional Documentation to Support Decision (circle one):  No                      Yes

Response to petition (circle one):    Approved                      Denied

Reasons for Denial:

Hearing Dates/Times Availability Next 14 Days:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Original to Idaho Industrial Commission, 317 Main St., PO Box 83720, Boise, ID 83720-0041, or faxed to the Commission at 208-332-7558 ~~334-2321~~.

Copy to Employee.

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, I caused to be served the Original Response to Petition  
for Change of Physician upon:

Idaho Industrial Commission  
317 Main Street  
Post Office Box 83720  
Boise, Idaho 83720-0041

via:           (    )   Personal Service of Process  
  
              (    )   Regular U. S. Mail  
  
              (    )   Facsimile transmission to 208/332-7558

I also hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, I caused to be served a true and correct copy of the  
foregoing Response to Petition for Change of Physician upon:

**CLAIMANT'S NAME AND ADDRESS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

via:           (    )   Personal Service of Process  
  
              (    )   Regular U. S. Mail

\_\_\_\_\_  
Signature